



**CITY COUNCIL**

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
MAY 28, 2002  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Reverend Billy Ray Williams, Biggs Chapel, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

- Mayor's Presentations
1. Honorary Citizen - Mr. Cheng-Fu Kang
  2. Robert E. McKee Week - 1st week in June
  3. Cesar Nunez, Abel Navejas and Julianha Esparza  
Recipients of \$20,000 Coca-Cola Scholarships
  4. 15<sup>th</sup> Anniversary of Diocesan Migrant & Refugee  
Services, Inc. - June 1st

No action was taken regarding the report from Police Chief Carlos Leon regarding the Police Department.

Police Chief Carlos Leon gave a brief power point presentation and provided information regarding the Police Department and its many functions/operations. He stated that during 2001 the crime rate declined 11.1%, community partnerships had strengthened, the department had received national acclaim for several programs, technology advances would continue to be updated and enhanced and the department would continue to progress with the same and/or more intensity as evident in previous years.

Mayor Raymond C. Caballero commended Chief Leon and his staff for their exemplary demonstration of professionalism. He commented on El Paso being the 3<sup>rd</sup> safest city but asked that the Police Department make El Paso the safest city in the nation. He briefly commented on the new 311 phone system which would decrease the bureaucratic red tape and run around experienced by taxpayers.

The Mayor thanked the taxpayers for paying for and supporting the Police Department, the police officers, etc.

Motion made by Representative Medina, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

Items approved under Consent Agenda will be shown with an asterisk {\*}).

Representative Escobar was not present for the vote.

\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of Regular City Council Meetings of February 19 and April 9, 2002, and Special Meeting of May 6, 2002.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an outgoing loan agreement on behalf of the City of El Paso, for the loan of *Grand Coulee Dam Spillway/Colville Houses* by David Taylor to the Savage Gallery in Portland, Oregon, for the exhibition *High Water* from May 31 through July 13, 2002. There will be no cost to the City of El Paso for this exhibition.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a grant award for a Domestic Abuse Response Team Grant in the amount of \$40,000.00 from the Office of the Governor, Criminal Justice Division, for the time period of June 1, 2002 through November 30, 2002, for the purpose of obtaining training, equipment and supplies for the Domestic Abuse Response Team of the El Paso Police Department; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In the event of loss or misuse of Criminal Justice Division/Grant funds, the City of El Paso assures that funds will be returned to Office of the Governor, CJD in full. Matching funds required in the amount of \$26,620.00 and in-kind match required in the amount of \$6,384.00.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a grant award for a Juvenile Accountability Incentive Block Grant in the amount of \$281,951.00 from the Office of the Governor, Criminal Justice Division, paying the salaries of two officers and a clerk, providing partial funding for juvenile prosecution programs; providing funding to JPD to provide support services and training to the SHOCAP program and juvenile prosecutors and services to reduce recidivism and aid in rehabilitation; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In the event of loss or misuse of Criminal Justice Division/Juvenile Accountability Incentive Block Grant funds, the City of El Paso assures that funds will be returned to Office of the Governor, CJD in full. Matching funds required in the amount of \$31,328.00.

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\*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution authorizing the Police Department to give assistance to the El Paso Police Explorer Post and to expend funds for and travel to and attend the National Explorer Conference on from July 8 through July 13, 2002 in Flagstaff, Arizona with a maximum of 17 Police Explorer Scouts from El Paso.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Interlocal Governmental Agreement by and between the City of El Paso and the Ysleta Independent School District to add one officer to the School Resources Officer Program for a summer school program at one school for June 2002. The Ysleta Independent School District will reimburse the City in an amount equal to 50% of each officer's salary and benefits.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**RESOLUTION**

**WHEREAS**, on December 1, 1998, the City Council of the City of El Paso adopted a policy for naming spaces at the El Paso Museum of Art; and

**WHEREAS**, the naming policy provides that a space in the Museum may be named for a donor if the donor's gift meets or exceeds the Giving Guidelines for that that space and the space has not been previously named; and

**WHEREAS**, an irrevocable donation agreement between the City of El Paso, the El Paso Museum of Art Foundation, and the family of Richard Mithoff provides for the payment to the Museum of Art in two installments, of an endowment gift totaling \$250,000 in honor of Mr. Mithoff's parents, Richard and Frances Mithoff, and such gift is within the spirit of the guidelines for naming the Art of the Americas Gallery; and

**WHEREAS**, the Mithoffs have been long-time supporters and members of the Museum of Art;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELPASO:**

That the Art of the Americas Gallery of the El Paso Museum of Art is hereby named "The Richard and Frances Mithoff Gallery" in honor of the Mithoffs and in recognition of their gift to the Museum's endowment.

Ms. Becky Duval Reese, Director of Museums, introduced Mr. Jack Maxon, member of the El Paso Museum of Art Foundation Board.

Mr. Maxon stated that he had solicited the assistance of Mr. Richard Mithoff, Jr., son of Richard and Frances Mithoff, a prominent attorney practicing in Houston, in order that Mr. and Mrs. Mithoff be duly recognized and honored for their tremendous community contributions. With great pride, Mr. Maxon expressed to Council Members that the "Americana Gallery" at the Museum of Art would now be named the "Richard and Frances Mithoff Gallery".

Mayor Raymond C. Caballero and Representative Sumrall commented on Mr. Mithoff's generous donations of artwork to the Museum of Art.

Motion made by Representative Medina, seconded by Representative Rodriguez and unanimously carried to approve the above Resolution.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a letter expressing the City's support of the El Paso Coalition for the Homeless application to the U.S. Department of Housing and Urban Development (HUD) for ten years of Section 8 project based-rental assistance, totaling approximately \$475,200, for a 11-unit SRO (Single-Room Occupancy) Permanent Housing for the Homeless facility tentatively proposed to be located at 148 Brown Street in the Magoffin area.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council approve the attached Memorandum of Understanding Agreements, Exhibits "A" and "B", which set forth program requirements related to the assignment of volunteers placed at Volunteer Sites under the Foster Grandparent Program (FGP) and the Retired Senior Volunteer Program (RSVP), funded by the Corporation for National Service and administered by the Department of Community and Human Development; and

That the Director of Community and Human Development be authorized to execute the Memorandum of Understanding Agreements with various Volunteer Stations which participate in the City's Foster Grandparent Program and Retired Senior Volunteer Program, and be authorized to annually (FGP) and tri-annually (RSVP) review the executed Agreements, and update the Agreements to reflect annual changes in the number of volunteers, the location of volunteer stations, activities to be performed by the volunteers, and changes in grant requirements or guidelines set forth by the Corporation for National Service.

**\*RESOLUTION**

WHEREAS, the City Council of the City of El Paso on June 21, 2002, adopted a street improvement project known as "Nichols Road Parkway and Roadway Improvements", a 27<sup>th</sup> (2001-2002) and 28<sup>th</sup> Year (2002-2003) Project, hereinafter referred to as "Project"; and

WHEREAS, the Project involves improving a portion of Nichols Road and an existing parking lot in front of Ramona Elementary School located in the Ysleta Independent School District, as further legally described in Exhibit "A", attached hereto and made a part hereof for all purposes, in order to ensure adequate street width for school buses to drop off and pick up students attending Ramona Elementary School, and in order not to disturb the existing long-established patterns of traffic on Nichols Road; and

WHEREAS, Ysleta Independent School District, hereinafter referred to as "District", has legal ownership of the portion of property to be improved under the Project, identified in Exhibit "A", and has agreed through its Board of Trustees to deed to the City of El Paso the property to be improved under the Project; and

WHEREAS, it is in the mutual interest of the District and the City of El Paso to maintain the existing street width of Nichols Road in front of Ramona Elementary School and not to disturb existing traffic patterns on Nichols Road to the benefit and safety of the Ramona area residents and students at Ramona Elementary School.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Council hereby accepts the transfer of the real property, legally described as a *portion of Lots 1 and 52, Block 4, STILES GARDEN, an Addition in the City of El Paso, El Paso County, Texas*, consisting of approximately 2,519 square feet, more or less, by the Ysleta Independent School District, to be utilized in connection with the Nichols Road Parkway and Roadway Improvements, a 27<sup>th</sup> Year (2001-2002) and 28<sup>th</sup> Year (2002-2003) Community Development Project.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of THREE THOUSAND EIGHT HUNDRED FIFTY AND NO/100THS DOLLARS (\$3,850.00 - \$3,455 loan/\$395 grant) against the following described real property:

Lot 55, LOMA TERRACE NO. 11, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 6, Page 69, Plat Records of El Paso County, Texas; also known and numbered as 839 Lomita Drive, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of EIGHTY-ONE AND 28/100THS DOLLARS (\$81.28).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVENTEEN THOUSAND NO/100THS DOLLARS (\$ 17,000.00 loan) against the following described real property:

Lot 198, SINGH ADDITION THIRD SECTION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 2, Page 59, Plat Records of El Paso County, Texas; also known and numbered as 628 Southside Road, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of EIGHT HUNDRED FIFTY-EIGHT AND 70/100THS DOLLARS (\$858.70).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of ELEVEN THOUSAND TWO HUNDRED AND NO/100THS DOLLARS (\$ 11,200.00 - \$10,400 loan/\$800 grant) against the following described real property:

Lot 27, Block 27, SAGELAND ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in the Office of the El Paso County Clerk, El Paso County, Texas; also known and numbered as 7922 Monterrey Drive, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of SIXTY-THREE AND 68/100THS DOLLARS (\$63.68).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Overhead Electrical Easement to the El Paso Electric Company in Block 13, Mission Hills Subdivision (Mission Hills Park), El Paso County, Texas.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for the contract is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**PAVO REAL RECREATION CENTER  
DEPARTMENT ID: 51510115, ACCOUNT 502214**

1.     **CONTRACTOR:**       William Collins, Kickboxing Instructor  
       **DATES:**           June 3, 2002, thru August 30, 2002  
       **RATE PER CL:**     \$9.95  
       **MAXIMUM AMT:**   \$298.50  
       **CONTRACT:**       2001/2002-174

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**NOLAN RICHARDSON RECREATION CENTER  
DEPARTMENT ID: 51510074, ACCOUNT 502214**

1.     **CONTRACTOR:**       Emma Deguire, Ballet Folklorico Instructor  
       **DATES:**           May 14, 2002, thru August 31, 2002  
       **RATE PER CL:**     \$11.25  
       **MAXIMUM AMT:**   \$1,102.50  
       **CONTRACT:**       2001/2002-172

**SUN COUNTRY CDBG**

**DEPARTMENT ID: 51150056, ACCOUNT 502214, G7127CD0005**

2.     **CONTRACTOR:**       Carlos Rodriguez, Fine Arts Instructor  
       **DATES:**           June 1, 2002, thru July 31, 2002  
       **RATE PER CL:**      \$20.00  
       **MAXIMUM AMT:**     \$400.00  
       **CONTRACT:**       2001/2002-173

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**GALATZAN RECREATION CENTER**

**DEPARTMENT ID: 51510131, ACCOUNT 501011**

1.     **CONTRACTOR:**       Rosa I. Olivas, Day Care Instructor, Step 1  
       **DATES:**           June 10, 2002, thru August 31, 2002  
       **RATE PER HR:**      \$6.45  
       **CONTRACT NO:**     2001/2002-268
2.     **CONTRACTOR:**       Liliana Zamora, Day Care Instructor Aide, Step 1  
       **DATES:**           June 3, 2002, thru August 31, 2002  
       **RATE PER HR:**      \$5.35  
       **CONTRACT NO:**     2001/2002-269

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**CAROLINA RECREATION CENTER**

**DEPARTMENT ID: 51510073, ACCOUNT 502214**

1.     **CONTRACTOR:**       Virginia Quiñonez, Aerobics Instructor  
       **DATES:**           June 3, 2002, thru August 30, 2002  
       **RATE PER CL:**      \$6.90  
       **MAXIMUM AMT:**     \$448.50  
       **CONTRACT:**       2001/2002-169

2. CONTRACTOR: Consuelo Sanchez, Aerobics Instructor  
DATES: June 3, 2002, thru August 29, 2002  
RATE PER CL: \$8.80  
MAXIMUM AMT: \$431.20  
CONTRACT: 2001/2002-170

**SUN COUNTRY CDBG**

**DEPARTMENT ID: 51150056, ACCOUNT 502214, G7127CD0005**

3. CONTRACTOR: Nathaniel J. Martin, Fine Arts Instructor  
DATES: June 1, 2002, thru July 31, 2002  
RATE PER CL: \$20.00  
MAXIMUM AMT: \$500.00  
CONTRACT: 2001/2002-171

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Jonathan D. Borrero, Swim Instructor, Step 1  
DATES: April 22, 2002 thru September 30, 2002  
RATE PER HR: \$5.35  
CONTRACT NO: 2001/2002-263
2. CONTRACTOR: Aaron Castro, Pool Attendant I, Step 1  
DATES: March 25, 2002 thru September 30, 2002  
RATE PER HR: \$5.40  
CONTRACT NO: 2001/2002-264
3. CONTRACTOR: Ronald R. Epley, Senior Lifeguard, Step 1  
DATES: April 22, 2002 thru September 30, 2002  
RATE PER HR: \$6.60  
CONTRACT NO: 2001/2002-265
4. CONTRACTOR: Richard J. Marquez, Lifeguard, Step 2  
DATES: April 30, 2002 thru September 30, 2002  
RATE PER HR: \$6.00  
CONTRACT NO: 2001/2002-266
5. CONTRACTOR: Eric D. Rodriguez, Swim Instructor I, Step 1  
DATES: April 01, 2002 thru September 30, 2002  
RATE PER HR: \$5.35  
CONTRACT NO: 2001/2002-267
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## \*R E S O L U T I O N

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

#### AQUATICS

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1.     CONTRACTOR:     Jenna M. Borrero, Swim Instructor, Step 1  
       DATES:           April 22, 2002, thru September 30, 2002  
       RATES PER HR:   \$5.35  
       CONTRACT NO:   2001/2002-270
  
2.     CONTRACTOR:     Justin R. Berry, Outdoor Pool Manager, Step 1  
       DATES:           May 1, 2002, thru September 30, 2002  
       RATES PER HR:   \$7.30  
       CONTRACT NO:   2001/2002-271
  
3.     CONTRACTOR:     Derek Borrero, Outdoor Pool Manager, Step 2  
       DATES:           May 1, 2002, thru September 30, 2002  
       RATES PER HR:   \$7.50  
       CONTRACT NO:   2001/2002-272
  
4.     CONTRACTOR:     Monica Dominguez, Lifeguard, Step 2  
       DATES:           April 22, 2002, thru September 30, 2002  
       RATES PER HR:   \$6.00  
       CONTRACT NO:   2001/2002-273
  
5.     CONTRACTOR:     Rogelio Dominguez, Lifeguard, Step 2  
       DATES:           April 22, 2002, thru September 30, 2002  
       RATES PER HR:   \$6.00  
       CONTRACT NO:   2001/2002-274
  
6.     CONTRACTOR:     Alejandro Gonzalez, Lifeguard, Step 2  
       DATES:           April 01, 2002, thru September 30, 2002  
       RATES PER HR:   \$6.00  
       CONTRACT NO:   2001/2002-275
  
7.     CONTRACTOR:     Maribel Llaguno, Pool Attendant, Step 1  
       DATES:           April 19, 2002, thru September 30, 2002  
       RATES PER HR:   \$5.40  
       CONTRACT NO:   2001/2002-276
  
8.     CONTRACTOR:     Shelley Loera, Outdoor Pool Manager, Step 1  
       DATES:           May 1, 2002, thru September 30, 2002  
       RATES PER HR:   \$7.30  
       CONTRACT NO:   2001/2002-277

9. CONTRACTOR: Jorge A. Rodriguez, Lifeguard, Step 2  
DATES: April 23, 2002, thru September 30, 2002  
RATES PER HR: \$6.00  
CONTRACT NO: 2001/2002-278
10. CONTRACTOR: Jessica E. Sanchez, Senior Lifeguard, Step 4  
DATES: May 26, 2002, thru September 30, 2002  
RATES PER HR: \$7.20  
CONTRACT NO: 2001/2002-279
11. CONTRACTOR: Ramon J. Takamatsu, Swim Instructor Coordinator, Step 1  
DATES: April 24, 2002, thru September 30, 2002  
RATES PER HR: \$6.50  
CONTRACT NO: 2001/2002-280
12. CONTRACTOR: Amanda L. Walker, Lifeguard, Step 1  
DATES: April 23, 2002, thru September 30, 2002  
RATES PER HR: \$5.25  
CONTRACT NO: 2001/2002-281
13. CONTRACTOR: Amy L. Wheeler, Indoor Pool Manager, Step 1  
DATES: May 1, 2002, thru September 30, 2002  
RATES PER HR: \$7.75  
CONTRACT NO: 2001/2002-282

\*R E S O L U T I O N

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Donald Eugene Bruce, III, Pool Attendant, Step 1  
DATES: April 15, 2002, thru September 30, 2002  
RATES PER HR: \$5.40  
CONTRACT NO: 2001/2002-283
2. CONTRACTOR: Yvette Grado, Pool Attendant, Step 2  
DATES: April 10, 2002, thru September 30, 2002  
RATES PER HR: \$5.60  
CONTRACT NO: 2001/2002-284
3. CONTRACTOR: Kyle Harville, Swim Instructor, Step 1  
DATES: April 15, 2002, thru September 30, 2002  
RATES PER HR: \$5.35  
CONTRACT NO: 2001/2002-285

4. CONTRACTOR: Alejandra C. Hinojosa, Swim Instructor, Step 1  
DATES: April 15, 2002, thru September 30, 2002  
RATES PER HR: \$5.35  
CONTRACT NO: 2001/2002-286
5. CONTRACTOR: Thomas F. Jones, Outdoor Pool Manager, Step 1  
DATES: May 1, 2002, thru September 30, 2002  
RATES PER HR: \$7.30  
CONTRACT NO: 2001/2002-287
6. CONTRACTOR: Jamie M. Jordan, Swim Instructor I, Step 1  
DATES: April 15, 2002, thru September 30, 2002  
RATES PER HR: \$5.35  
CONTRACT NO: 2001/2002-288
7. CONTRACTOR: Michael A. Macias, Lifeguard, Step 2  
DATES: April 22, 2002, thru September 30, 2002  
RATES PER HR: \$6.00  
CONTRACT NO: 2001/2002-289
8. CONTRACTOR: Jacqueline A. Paz, Swim Instructor, Step 1  
DATES: April 22, 2002, thru September 30, 2002  
RATES PER HR: \$5.35  
CONTRACT NO: 2001/2002-290
9. CONTRACTOR: Vicente Quezada, Swim Instructor, Step 2  
DATES: April 22, 2002, thru September 30, 2002  
RATES PER HR: \$5.50  
CONTRACT NO: 2001/2002-291
10. CONTRACTOR: Lorenza Salcido, Swim Instructor Coordinator, Step 1  
DATES: April 16, 2002, thru September 30, 2002  
RATES PER HR: \$6.50  
CONTRACT NO: 2001/2002-292
11. CONTRACTOR: Vicente A. Sosa, Swim Instructor, Step 1  
DATES: April 15, 2002, thru September 30, 2002  
RATES PER HR: \$5.35  
CONTRACT NO: 2001/2002-293
12. CONTRACTOR: Jamie Ann Shultz, Lifeguard, Step 2  
DATES: April 10, 2002, thru September 30, 2002  
RATES PER HR: \$6.00  
CONTRACT NO: 2001/2002-294
13. CONTRACTOR: Jesus R. Ramirez, Jr., Pool Attendant, Step 1  
DATES: April 15, 2002, thru September 30, 2002  
RATES PER HR: \$5.40  
CONTRACT NO: 2001/2002-295

14. CONTRACTOR: Miguel A. Uribarri, Lifeguard I, Step 3  
DATES: April 04, 2002, thru September 30, 2002  
RATES PER HR: \$6.20  
CONTRACT NO: 2001/2002-296
15. CONTRACTOR: Leah A. Wayne, Swim Instructor Coordinator, Step 1  
DATES: April 22, 2002, thru September 30, 2002  
RATES PER HR: \$6.50  
CONTRACT NO: 2001/2002-297

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Raymundo Arango, Swim Instructor, Step 1  
DATES: April 28, 2002, thru September 30, 2002  
RATE PER HR: \$5.35  
CONTRACT NO: 2001/2002-298
2. CONTRACTOR: Jose A. Contreras, Pool Attendant, Step 1  
DATES: May 13, 2002, thru September 30, 2002  
RATE PER HR: \$5.40  
CONTRACT NO: 2001/2002-299
3. CONTRACTOR: Jesus Del Toro, Swim Instructor, Step 1  
DATES: May 7, 2002, thru September 30, 2002  
RATE PER HR: \$5.35  
CONTRACT NO: 2001/2002-300
4. CONTRACTOR: Adrian Diaz, Lifeguard, Step 2  
DATES: May 14, 2002 thru September 30, 2002  
RATE PER HR: \$6.00  
CONTRACT NO: 2001/2002-301
5. CONTRACTOR: Haydee H. Gutierrez, Pool Attendant I, Step 1  
DATES: April 01, 2002 thru September 30, 2002  
RATE PER HR: \$5.40  
CONTRACT NO: 2001-2002-302
6. CONTRACTOR: Daniel Lopez, Lifeguard, Step 1  
DATES: May 03, 2002 thru September 30, 2002  
RATE PER HR: \$5.25  
CONTRACT NO: 2001/2002-303

7. CONTRACTOR: Alberto Marin, Lifeguard, Step 2  
DATES: May 08, 2002 thru September 30, 2002  
RATE PER HR: \$6.00  
CONTRACT NO: 2001/2002-304
8. CONTRACTOR: Angel J. Muñoz, Jr., Swim Instructor, Step 1  
DATES: May 07, 2002 thru September 30, 2002  
RATE PER HR: \$5.35  
CONTRACT NO: 2001/2002-305
9. CONTRACTOR: Brenda G. Muñoz, Lifeguard, Step 2  
DATES: May 02, 2002 thru September 30, 2002  
RATE PER HR: \$6.00  
CONTRACT NO: 2001/2002-306
10. CONTRACTOR: Priscilla Perry, Lifeguard, Step 2  
DATES: May 14, 2002 thru September 30, 2002  
RATE PER HR: \$6.00  
CONTRACT NO: 2001/2002-307

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with EL PASO INTER-RELIGIOUS SPONSORING ORGANIZATION, to lease one (1) 32 Gallon Container for a service fee of \$5.00 each month for its recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with FAMILY DOLLAR STORE #4315, to lease FAMILY DOLLAR STORE #4315 two (2) 6 Cubic Yard Dumpsters for a service fee of \$15.00 each month for the purpose of collecting the store's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

NOTE: Resolution was revised to read "for a service fee of \$15.00 each month for its recyclable materials" instead of "a service fee of \$5.00 each month".

.....  
**\*NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 18<sup>th</sup> day of June, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 4908 Hercules Avenue, in El Paso, Texas, which property is more particularly described as:

Tract: 47, Sunrise Acres No. 2

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose Gerardo Bernal, Executor of the Estate of Andres Bernal, 1424 Cross Ridge Dr., El Paso, Texas 79912, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Services Department, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....

\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 18<sup>th</sup> day of June, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2801 Harrison Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 7 to 16, Block 17, Summit Place Addition

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Isela M. Bernal, 8300 Mt. Whitney Dr., El Paso, Texas 79904, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Services Department, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*Motion made, seconded and unanimously carried that the street and drainage improvements in the Rancho Los Mesquites Unit Two Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Scooter Lane – from its intersection with Burgundy Drive to the end of the cul-de-sac in front of Lot 22, Block 3

Bellagio Lane – from its intersection with Burgundy Drive to Scooter Lane

Drainage Improvements:

Ponding Area – at Lot 22, Block 3; with a 1.26 ac. area and a 8.43 ac-ft. Capacity; 1– Thrust Block Structure; 53 ft. of 24.0” R.C.P. and 1-48.0” Manhole

Scooter Lane – 235.50 ft. of 24.0” R.C.P. and 1-12 Grate Drop Inlet Type II

.....  
\*Motion made, seconded and unanimously carried that the street and drainage improvements in the Northwestern Corporate Center Unit Three Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Northwestern Drive – from its intersection with Market Center Avenue southward to its intersection with Northern Pass Drive

Commerce Park Drive – from its intersection with Market Center Avenue southward approximately 520 feet

Drainage Improvements:

65 ft. Drainage R.O.W. – at Tract 62; W.H. Glenn Survey No. 241; 162.0’ x 45.0’ x 7.5’ high Reinforced Concrete Channel with Wing Walls; 3 – 10.0’ x 8.0’ RBC; 512.0’ x 6.0’ high Rockwall Fence; and 18.0’ of Double Swing Gate

Northwestern Drive – 2- “Y” Inlets and Temporary Silt Trap; 395 ft. of 54.0” R.C.P.; 715 ft of 48.0” R.C.P.; 560 ft. of 36.0” R.C.P.; 467 ft. of 30.0” R.C.P.; 45 ft. of 24.0” R.C.P.; 95 ft. of 21.0” R.C.P.; and 2-4 Grates Drop Inlet Type I

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\*Motion made, seconded and unanimously carried to delete the board appointment of Representative Jan Sumrall to the El Paso Housing Finance Corporation Board by Mayor Raymond C. Caballero.  
.....



\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. King Buildings, in the amount of \$1,581.78; overpayment of 2001 taxes.  
(PID #1999-999-2644-0042)
- B. Guy Rosales, in the amount of \$1,743.84; overpayment of 2001 taxes.  
(PID #E054-999-0080-2500)
- C. Lereta Corporation, in the amount of \$2,180.45; overpayment of 2001 taxes.  
(PID #S029-999-0070-9100)
- D. GMAC Mortgage, in the amount of \$1,872.88; overpayment of 2001 taxes.  
PID #S162-999-0270-6300)
- E. Transamerica Real Estate Tax Service, in the amount of \$1,591.85; overpayment of 2001 taxes. (PID #S619-999-0130-0300)
- F. Rene De La Vega, in the amount of \$2,090.79; overpayment of 2001 taxes.  
(PID #W144-999-0140-3000)
- G. Lawyers Title of El Paso, in the amount of \$2,175.07; overpayment of 2001 taxes.  
(PID #W145-999-0190-0500)
- H. VF Jeanswear L.P., in the amount of \$6,701.38; overpayment of 2001 taxes.  
(PID #Y805-999-022B-0633)

.....  
\*Motion made, seconded and unanimously carried to approve the request that a Purchase Order be made in the amount of \$200.00 to assist with the children's programming at the Memorial Park Branch Library.  
.....

\*Motion made, seconded and unanimously carried to award Bid No. 2002-117 6 Person Tilt Cab Quints

Award to: First-In, Inc.  
Phoenix, AZ  
Item(s): 1 (Base Price \$688,018.00 each)  
Delete Options: 70, 71, 78, 79, 81, 83  
Add Options: 67, 69 (1 each)  
Amount: \$1,323,711.00  
- \$ 44,505.00 Less Trade-In Allowance  
\$1,279,206.00

Department: El Paso Fire Department  
Funds available: 04250203-508029-PMB0003130  
Funding source: FY2002 Certificates of Obligation  
Total award: \$1,323,711.00

The Fire and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid.

This is a fixed-price, single (one-time) purchase, to purchase two (2) 6 Person Tilt Cab Quint Style Fire Apparatuses. There is an option from the vendor to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days, from the date of award of the contract. No prompt payment discount is offered.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2002-158 Swimming Pool Shade Structures

Award to: Shadeports, Inc.  
San Antonio, TX  
Item(s): All  
Amount: \$40,200.00

Department: Parks & Recreation  
 Funds available: 04250203-27251-PMB0003130-508008  
 Funding source: FY02 Certificate OB Equipment – City Equipment  
 Total award: \$40,200.00

The Parks and Recreation and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specification, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase Swimming Pool Shade Structures. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one (1) year and two (2) years from the date of award of the contract. No prompt payment discount was offered.

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2002-642 PARKS  
 This budget transfer requests an appropriation increase to fund the purchase of trophies for softball tournaments. Participation in organized leagues has increased, increasing both revenues and the need for trophies.

Increase	\$25,000	to	51010215/P50020216302/404307	Est Rev
Increase	\$25,000	to	51010215/P50020216302/503116	Rec Sup

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2002-644 PARKS  
 This budget transfer requests an appropriation increase to fund additional programming needs for the Special Promotions Section. Expenses in certain accounts have increased due to additional events. There is an associated increase in revenue.

Increase	\$ 50	to	51010282/P50020516305/405065	Est Rev
Increase	\$ 50	to	51010282/P50020516305/502220	Pest Control
Increase	\$ 250	to	51010282/P50020516305/405065	Est Rev
Increase	\$ 250	to	51010282/P50020516305/502304	Mailrm Chg
Increase	\$ 1,500	to	51010282/P50020516305/405065	Est Rev
Increase	\$ 1,500	to	51010282/P50020516305/502400	Bldgs-Leases
Increase	\$ 300	to	51010282/P50020516305/405065	Est Rev
Increase	\$ 300	to	51010282/P50020516305/503100	Off Sup
Increase	\$ 200	to	51010282/P50020516305/405065	Est Rev
Increase	\$ 200	to	51010282/P50020516305/503102	Promo Sup
Increase	\$ 250	to	51010282/P50020516305/405065	Est Rev
Increase	\$ 250	to	51010282/P50020516305/503107	FilmVideo Sup
Increase	\$ 100	to	51010282/P50020516305/405065	Est Rev
Increase	\$ 100	to	51010282/P50020516305/503111	Clean Sup
Increase	\$ 3,500	to	51010282/P50020516305/405065	Est Rev
Increase	\$ 3,500	to	51010282/P50020516305/503116	Rec Sup

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-658 COMMUNITY DEVELOPMENT

This budget transfer increases the Public Service Board (PSB) budget for the Collingsworth Phase III construction grant by \$8,210.31. The Collingsworth Phase III construction project had an unanticipated change order that will be funded by the PSB. The Collingsworth Phase III project is a FY 2001, 26<sup>th</sup> Year, CDBG program project.

Increase	\$8,210.31	to	71150065/G7126PS000811059/406002	Local Grt Proc
Increase	\$8,210.31	to	71150065/G7126PS000811059/508027	Construction

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-662 POLICE  
Transfer funds to cover costs associated with preparing Mobile Command Center that was used to close down illegal gambling operations.

Decrease	\$1,800	from	21010069/01101/502215	Outside Cont
Increase	\$1,000	to	21010058/01101/503100	Office Sup
Increase	\$ 800	to	21010058/01101/503117	Eq Maint

.....  
Motion made, seconded and unanimously carried to move to the Regular Agenda the parade request of Rotary Club of West El Paso to hold a July 4<sup>th</sup> parade.

Representative Sumrall thanked Commander Walsh for working on this parade request so diligently and noted that the cost to the applicant had been reduced significantly.

Commander Cliff Walsh thanked the Westside Rotary Club, specifically Mr. Norman Peterson, for the organization's cooperation and noted that the Fourth of July parade would be a success.

Mr. Peterson thanked Commander Walsh and Lt. Herrera for their excellent assistance.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the request of Rotary Club of West El Paso to hold a July 4<sup>th</sup> Parade on Thursday, July 4, 2002 from 8:30 a.m. to 12:00 p.m. Route: Begin at Western Hills Methodist Church at 530 Thunderbird, proceed on Thunderbird to Shadow Mountain, left on Shadow Mountain, proceed on Shadow Mountain to Mesa, right on Mesa and proceed southwest to Champions Place, turn right on Champions Place, ending in the Coronado High parking lot at 100 Champions. Approximately 1,500 persons, 50+ vehicles and 50+ animals will take part and 5,000 spectators are anticipated. PERMIT NO. 02-051

Representatives Escobar and Sariñana were not present for the vote.

.....  
\*Motion made, seconded and unanimously carried to approve the request of Jerry Correia/Southwestern Pride Parade to hold a parade on June 7, 2003 from 11:00 a.m. to 1:30 p.m. Route: Start at Montana and St. Vrain, proceed on Montana to Mesa, south on Mesa to San Antonio, east on San Antonio to Ochoa, to First, ending at First and Ochoa. Approximately 300 persons, 20 vehicles, 30 animals and 15 floats will take part and 300 spectators are anticipated. This request includes permission to use amplification (2 bullhorns). PERMIT NO. 02-057

.....  
\*Motion made, seconded and unanimously carried to approve the request of Ramona Ramirez to block off Partello between Leavell and Kemp on June 1, 2002 from 2:00 p.m. to 6:00 p.m. for a block party. Approximately 30 persons and 6 vehicles will take part and 40 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-062

\*Motion made, seconded and unanimously carried to approve the request of Citizens for Family Values to hold a walk/demonstration on June 1, 2002 from 4:00 p.m. to 6:00 p.m. Route: Sidewalk at 4800 block of Montana. Approximately 35 persons will take part. PERMIT NO. 02-063

.....  
\*Motion made, seconded and unanimously carried to Catholic Community of Corpus Christi to hold a procession on June 9, 2002 from 6:00 p.m. to 8:00 p.m. Route: Start at 451 Mockingbird and proceed on Mockingbird, right on North Loop, proceed on North Loop and end at 9205 North Loop. Approximately 150 - 300 persons, 1 vehicle and 2 golf carts will take part. This request includes permission to use amplification (1 amplifier, 2 speakers, bullhorn). PERMIT NO. 02-066

.....  
Motion made by Representative Escobar, seconded by Representative Sariñana and carried to move to the beginning of the agenda an Ordinance amending Ordinance No. 14996 (which created Tax Increment Financing District Number Two (No. 2)), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

The vote was as follows:

Representatives Sumrall, Rodriguez, Medina and Escobar voted Aye.

Representatives Cook, Power, Sariñana and Cobos voted Nay.

Mayor Raymond C. Caballero broke the tie and voted Aye.

Mayor Raymond C. Caballero opened the discussion and requested 15 minutes in total, for citizens to speak in favor of the Ordinance and 15 minutes in total for citizens to speak in opposition and 10 minutes for those individuals who were neutral. Mayor Caballero reiterated that TIF District Two was located in the R. E. Thomason General Hospital area and TIF District Three was located downtown.

Mr. Mervin Moore, Chairman of the Board for the Greater El Paso Chamber of Commerce and local architect, stated his firm currently has a contract with the City for architectural services at the airport in the amount of \$400,000.00. He explained that the Chamber of Commerce was interested in and concerned about the status of the TIF District as it relates to the Unified Health District. The Chamber of Commerce supports the Unified Health District and the four-year medical school; however, has concerns regarding the benefits and/or drawbacks of the TIF District(s). He stated that the Chamber proposes that further study, analysis and recommendations be done in regard to TIF District Two and that the Chamber would commit resources to hiring a consultant and conducting community analysis and input required in order that a recommendation be made based on the purpose, structure and effects of the TIF District. He stated that in addition to the above and the community's input the Chamber could make recommendations to the Council Members. He asked that the TIF District items be either postponed or removed from the agenda for a minimum of 60 days in order to allow the study to take place.

Representative Cobos appreciated Mr. Moore's comments and objectivity and asked Council Members that, if a postponement motion were entertained, Council Members conduct a Legislative Meeting of the Whole to discuss the TIF, Border Health Institute (BHI) and the City's role therein.

Representative Power agreed to the recommendation of the 60-day postponement. He stated that any information that was lacking or misunderstood would be clarified at a Meeting of the Whole. He moved to postpone 60 days, Representative Medina seconded.

Mayor Caballero suggested that prior to the postponement vote, members of the public be allowed to speak.

Representative Cook reminded Council Members that unanimous Resolutions had been passed for the BHI, four-year medical school and the children's hospital.

The following individuals spoke in favor of the BHI, four-year medical school, children's hospital and/or TIF Districts:

Texas State Senator Eliot Shapleigh asked Council Members to send one representative to Austin in support of the four year medical school, that the City accepts the role of "Master Developer" for the medical school and, finally, that the community has the will to create the Unified Health Campus. He presented Council Members with an overhead presentation and discussed many issues regarding the BHI, four-year medical school and children's hospital.

Representative Sumrall thanked Senator Shapleigh and stated that Council Members had voted unanimously to support the four-year medical school and BHI; however, unless and until the community and City Council unite behind these visions, the visions would disappear.

Senator Shapleigh remarked that the whole city needs to unite behind the medical school issue(s) as there has not been a medical school constructed in over 25 years. He noted that the medical campus in El Paso would be the "capitol" of Hispanic health issues in the nation. He also added that the City must come forward with plans and contributions.

Representative Sariñana explained that he was in support of the BHI, children's hospital and four-year medical school; however, his concern lies with the TIFs. He noted that with the County not participating in the TIFs, a negative message would be sent to Austin and the City should not be penalized for actions taken by the County. He stated that, in his opinion, the TIFs were needed to help support the BHI and questioned where the money would be coming from. He stated in his opinion, the TIFs do have not anything to do with the BHI and the City should be assisting Dr. De La Rosa and Texas Tech to get the \$40 million dollar research center underway.

Senator Shapleigh noted that there was uncertainty in El Paso in 1890 as to whether or not to support Ft. Bliss, which was now the economic engine in El Paso and the Air Defense leader in the nation. He briefly mentioned how I-10 came into existence and explained that for these many ventures to become reality, eminent domain was required. He further stated; however, the need for residential property for the BHI would not be necessary for several years and remarked that the 14 acres donated to Texas Tech would be sufficient for the classroom building and research tower. He explained that the City would need to become the "Master Planner" for the BHI and developing campus, and that the TIFs would be the answer. He asked Council Members to give him a unanimous voice so that he could return to Austin and declare that El Paso had the will to succeed. Senator Shapleigh clearly explained that the properties, in the area of the BHI, would increase in value due to anticipated construction of the BHI.

Representative Cobos referred to the "Louin Report", a \$200,000.00 study prepared for the Paso del Norte Health Foundation and read an excerpt from it.

Mayor Caballero clarified that the BHI refers to two facilities: the research institute, a Texas Tech/UTEP facility to be built in the near future and the regional medical center, such as in San Antonio, of which the TIFs would relate to.

Senator Shapleigh noted that the Louin Report did not discuss the four-year medical school; however, the City would pursue the medical school due to the facility members and their research opportunities. He stated he believed the governing board of the BHI, today, was aiming for a unified medical campus to include a four-year medical school, allied health facility and research center and that these facilities would be a physical complex, not a virtual complex, as previously envisioned.

Representative Cobos questioned the City's responsibility as the "Master Developer" and read a selection of a response from Ms. Rita Rodriguez, City Attorney as to the development of a legal strategy.

Ms. Rodriguez remarked that the response she had provided was accurate as Representative Cobos was requesting a written report of a legal strategy. She explained that a part of the City's legal strategy to become the "Master Developer" was the TIF Ordinance.

Mayor Caballero stated, as far as he was aware, there was no plan to obtain a legal strategy, as that was the BHI function. He remarked that the Board of the BHI unanimously named the City, to be the "Master Developer" and we are now moving forward.

Representative Cobos stated that at no time did the Governing Board of the BHI endorse the TIF concept. He noted that at the December 18<sup>th</sup> City Council meeting he did not approve the TIF(s).

Mayor Caballero rebutted by saying that the Governing Board had requested him to acquire the TIFs. He mentioned that Representative Cobos had been issued three invitations to attend the community meetings of the BHI.

Representative Sumrall reminded Council Members that the City should be named as the "Master Planner" as many City departments would need to be involved.

Representative Power thanked Representative Shapleigh for his enlightenment and discussed the "tyranny of the majority" and the Council's responsibility to listen to all parties. He defended the property owner's right to their inheritance, to realize their investments, their rights to dispose of their properties as they see fit and to whom they see fit. He reminded the property owners that it may be several years before the City claims eminent domain. He remarked that the make up of the Board may change to include Council Members and/or the Mayor in order that the City may have a voice during future eminent domain discussion(s). He then moved to postpone the Ordinances for eight weeks in order to provide all participants the time to discuss the TIFs.

Representative Shapleigh stated that compromise was the essence of Democracy but reminded Council to consider the sickly children and give him the ability to succeed in Austin. He reminded everyone that the outcome of the BHI would be the biggest increase in jobs for this community.

Representative Cook noted that the Paso del Norte Health Foundation had received \$132 million dollars from assets of the community hospital and could be a very important part of the BHI.

Mayor Caballero wished that the Paso del Norte Health Foundation would become a participant and noted that 33 years ago El Paso lost the opportunity for a medical school due to the lack of leadership and assistance and he vowed not to repeat the error.

Mr. Ruben Reyes, Green Party member and candidate for the Comptroller of Public Accounts for the State of Texas, commented that El Paso has always been behind the times. He explained that the City needs the TIF because the City has a vision and the leadership to provide the facilities for our sickly children. He understood that the property owners have rights and noted that the Mexican/American Bar Association had offered to represent the property owners at no cost. He stated that there should be open negotiations and that the City has a responsibility to its children and elderly. He remarked that Council Members have a duty to do what was best in the public interest, which includes the BHI, and children's hospital and finally, the City is the only entity with the appropriate resources to be the "Master Developer". He asked that the whole City get behind the BHI effort. Representative Cobos questioned whether Mr. Reyes thought it was the City's responsibility to ask questions, Mr. Reyes responded he would question how far Representative Cobos had gone to research the how's, where's, when's and why's.

Former Judge Edward Marquez addressed Council Members and noted that two priorities were evident; the homes and welfare of the residents and human life. He stated that El Paso's very sickly children must go to other cities in Texas for treatment, which causes tremendous hardship for families. He stated displacing families from their homes was a hardship; however, displacing families from their children was an even greater hardship. He discussed a young child who had had a brain tumor removed and the possible necessity for the young child requiring a bone marrow transplant, of which no such bone marrow transplant facility exists in El Paso. He stated that he had served in the Korean War and felt he deserved the best that the State of Texas could offer with respect to state-of-the-art medical facilities.

Ms. Grace Alveda, mother of Daniel Alveda child diagnosed with cancerous brain tumor, thanked God for sparing her son's life and for the doctor's at an El Paso hospital for taking care of her child. She sympathized with the property owners who anticipate losing their homes; however, she also sympathized with families with sickly children who must go out of town in order to find treatment(s). She noted she was an advocate for an educational facility to be built at Providence and a project advocate to initiate a pediatric library branch at the same hospital. She stated that teamwork was necessary for the completion of those projects and asked Council Members to exert the same effort.

Mr. Mark Gutierrez, citizen, spoke against the creation of the TIF districts. He read from a prepared statement and discussed the moratorium on permits in the TIF districts and stated that he was opposed to the moratorium. He resides on Hadlock, a street not in the TIF district, and explained that he was present to represent the elderly residents living in the TIF area. He asked that the residents be enlightened as to what was really happening with the TIFs.

Ms. Vivian Rojas stated that she was not against the BHI or the medical school; however, she was against the issue of the TIF district. She explained that her grandmother resides in the TIF district and that her grandmother had experienced physical ailments due to the possibility of losing her property to the City government for private use and profit. She read from a prepared statement and discussed issues pertaining to the negativity of the creation of TIFs districts. She discussed the land donated by J. O. Stewart and added that this was sufficient land for the medical school and children's hospital. She asked that Council ensure the civil and property rights of the property owners be respected in that the property owners want to set the terms and conditions of the sale of their property with private entities interested in purchasing the property.

Ms. Carolina Trujillo, citizen, asked that Council consider the children of the property owners when deciding their vote. She stated that she was in favor of the medical school and BHI; however, she would like to make the decision regarding the sale of her home. She stated she resides on Euclid, in the affected area, and has been to Council meetings on six occasions. She also stated that she understood that meetings have been held in other areas of the City but not in the affected area and she requested that meetings be held in her neighborhood or Jefferson High School. Her granddaughter asked questions of the Mayor regarding taking the property owners' homes from them.

Ms. Rojas mentioned she had attended the meeting held at San Juan Senior Citizen's Center and had questioned the Mayor as to why notices had not been set to the property owners regarding the moratorium. She stated that she had spoken with Ms. Veronica Escobar, Director of External Relations, in order that a meeting might be arranged at Jefferson High School so that the media and public could be present for discussion. She stated that Ms. Escobar had declined the invitation for the Jefferson site; however, Ms. Escobar had offered an alternate location in the City Hall building.

Mr. Ed Pinon, citizen, stated that the TIF was not necessary to build the BHI; however, he was in favor of the medical facilities.

Mayor Caballero proposed to Mr. Pinon if the property were to be placed into a foundation or was owned by a governmental unit and then leased or rented out, would he favor the TIF District.

Mr. Pinon responded no. No TIF whatsoever.

Mrs. Pinon stated that she was initially confused; however, she attended a meeting conducted by Dr. DeLaRosa at Texas Tech which clarified many concerns she had had. She was not in agreement with the TIF and stated that the homeowners should be in charge of the profit of their homes and the ability to negotiate themselves. She was in favor of the BHI and the growth of El Paso but opposes the TIF.

Ms. Teresa Caballero, citizen against the TIFs, stated that information had not been disseminated to the property owners and therefore had created a chaotic environment. She discussed issues regarding eminent domain, the location of the BHI and the imposition of a 90-day moratorium. She asked that the Mayor hold a public meeting at a place close to the property owners' homes.

An elderly 91 year-old-man spoke in favor of the BHI; however, he was not in support of the TIF which gives Council power to condemn senior citizen's homesteads. He asked Council to push aside the TIF issue and allow those property owners wishing to sell their properties the opportunity to negotiate the sale of their properties.

A young lady asked Council why the property owner's property was necessary to build the BHI.

Representative Sumrall clarified with or without the TIF District the City could condemn property, seize the property and then lease the property to an individual/entity. She explained other issues are associated with the TIF District, such as if the taxes increase in the TIF District, those taxes are spent only within the district.

Ms. Veronica Escobar, Director of External Relations, clarified she had spoken with Ms. Vivian Rojas on numerous occasions and had offered to meet at her grandmother's house; however, Ms. Rojas did not provide the necessary information, therefore, the meetings never took place.

Ms. Esther Perez, citizen, stated she loves El Paso and questioned what opportunities exist for the recent high school/college graduates. She remarked that she had voted for Mayor Caballero due to his grand visions for El Paso. She remarked that the BHI would be a shining jewel for El Paso.

Mayor Caballero asked for order in the Council Chambers.

Mr. Jesus Cisneros spoke in Spanish against the TIF Districts.

Ms. Hunter reiterated that a Motion by Representative Power had been made to postpone for eight (8) weeks.

Representative Cook clarified that Representative Power's motion was to postpone for eight (8) weeks in order that a Legislative Committee Meeting of the Whole be held in the interim.

Mr. Charlie McNabb, Chief Administrative Officer, stated that the items could be deleted and would be reintroduced at a later date.

Representative Sariñana asked that the items be deleted.

Mayor Caballero explained that deleting the items would allow the items to be brought back to Council at a later date.



Representative Sariñana moved to delete the ordinance amending Ordinance No. 14996, TIF District 2, and the ordinance amending Ordinance No. 14999, TIF District 3, in order to hold community meetings, Representative Medina seconded.

Ms. Rodriguez, City Attorney, advised that Council Members could delete the Ordinances on today's agenda; however, the TIF Districts could not be abolished by City Council Motion as they had been created by Ordinances at a previous Council meeting.

Ms. Hunter clarified that Representative Medina had withdrawn his second to postpone the Ordinance(s); therefore Council would take a vote on deleting the amendments in the Ordinance(s) concerning the composition of the Board and the taxes included in the fund.

Motion made by Representative Sariñana, seconded by Representative Medina and carried to delete an Ordinance amending Ordinance No. 14996 (which created Tax Increment Financing District Number Two (No. 2)), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

Representatives Sumrall and Power voted Nay.

Representatives Rodriguez, Medina, Cook, Escobar, Sariñana and Cobos voted Aye.

.....  
Motion made by Representative Escobar, seconded by Representative Sariñana and carried to move to the beginning of the agenda an Ordinance amending Ordinance No. 14999 (which created Tax Increment Financing District Number Three (No. 3)), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

The vote was as follows:

Representatives Sumrall, Rodriguez, Medina and Escobar voted Aye.

Representatives Cook, Power, Sariñana and Cobos voted Nay.

Mayor Raymond C. Caballero broke the tie and voted Aye.

(Please see above for discussion for TIF District 2)

Motion made by Representative Sariñana, seconded by Representative Medina and carried to delete an Ordinance amending Ordinance No. 14999 (which created Tax Increment Financing District Number Three (No. 3)), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

Representatives Sumrall and Power voted Nay.

Representatives Rodriguez, Medina, Cook, Escobar, Sariñana and Cobos voted Aye.

.....  
**ORDINANCE 15105**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 011761, WHICH CHANGED THE ZONING OF LOTS 1-10, BLOCK 3, MESA DEL CASTILLO UNIT TWO "AMENDING SUBDIVISION", EL PASO, EL PASO COUNTY, TEXAS, ANDWHICH IMPOSED CERTAIN CONDITIONS, BY DELETING CONDITION NO. 2 THEREOF FOR A PORTION OF LOT 1, BLOCK 3, MESA DEL CASTILLO UNIT TWO, EL PASO, EL PASO COUNTY, TEXAS (120 BARTLETT DRIVE). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE MUNICIPAL CODE.**

Mr. Rudy Valdez, City Planning Department, explained the Ordinance and noted that the condition to be removed from the Ordinance was the condition that restricts the property to no automotive uses on the property. He noted that the CPC (City Plan Commission) had recommended 7-0 to approve; however, the DCC (Development Coordinating Committee) recommended to deny the request. He stated that there was no opposition CPC meeting held in April.

Representative Sumrall asked Mr. Ron Brown, Architect, if he would ask the applicant to ensure enough landscaping and rockwall would be installed to buffer any sound and that the other restrictions placed on the property would be adhered to.

Mr. Brown stated that the applicant would accommodate all the nearby residents and residential facilities and that sufficient landscaping would be installed.

Representative Sumrall also questioned whether the automotive bays could be situated so that the noise would not affect the neighboring residents.

Ms. Lisa Turner, citizen, provided pictures for Council Member's information and stated she did not want this type of business in her neighborhood. She noted that there was no opposition at the CPC meeting due to the lack of notice provided to apartment dwellers located in the neighboring area. She requested that the Planning Department provide notice to apartment dwellers and that the facility be built on a Brownfield.

Representative Cook stated he had viewed the area and noted that it was zoned mixed use.

Mr. David Ayoub, manager of Resler Chevron, remarked that the facility included six bays and noted the facility would provide some major mechanical, most would be maintenance, brake work, window repair, etc. and rarely does he do any type of major engine work. He stated that the facility would be opened at 7:30 A.M. and close at 6:30 P.M., Monday through Saturday. He remarked that he would converse with Ms. Turner to discuss noise issues, etc.

Mr. Kenneth Croucher, property owner, stated that the facility would be built to his satisfaction and noted that his CPA firm would be located right next door to the automotive facility.

Motion duly made by Representative Sumrall, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Medina, Cook, Power, Escobar and Sariñana  
NAYS: Council Members Rodriguez and Cobos                      Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15106

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 13 (WATER CONSERVATION ORDINANCE) OF THE CITY OF EL PASO MUNICIPAL CODE TO REQUIRE COMMERCIAL CAR WASHES ISSUED BUILDING PERMITS FOR CONSTRUCTION AFTER JUNE 1, 2002, TO USE NO MORE THAN FIFTY (50) GALLONS OF WATER PER VEHICLE WASHED; TO PROVIDE THAT FOR NEW RESIDENTIAL SITES AFTER JUNE 1, 2002, NO TURF GRASS SHALL BE USED FOR MORE THAN FIFTY PERCENT (50%) OF THE TOTAL SITE; TO PROVIDE THAT FOR NEW COMMERCIAL SITES AFTER JUNE 1, 2002, NO TURF GRASS SHALL BE**

**USED FOR MORE THAN THIRTY-THREE AND ONE-THIRD PERCENT (33 1/3%) OF THE TOTAL SITE; AND AMENDING SECTION 15.13.120 TO DELETE THE REQUIREMENT THAT THE MAYOR OBTAIN THE RECOMMENDATION OF THE PUBLIC SERVICE BOARD PRIOR TO DECLARING A WATER EMERGENCY.**

Representative Cook asked to amend the Ordinance as follows: in paragraph 2b amend the measurement to 50% of the total site less the footprint of the residents and under paragraph 2d asked that an annual audit be done not only for new lawns but established lawns. He explained that the audit would ensure the sprinkler's effectiveness.

Mr. Ed Archuleta, General Manager El Paso Water Utility and Public Service Board, understood that Representative Cook would like to limit the landscapeable area 50% based on the area minus the footprint; however, he stated that the audit had a financial component attached and to audit 160,000 homes would be a remarkable responsibility. He explained that other cities utilize a private firm to audit individual homes.

Representative Cook asked that paragraph 2d be deleted from the Ordinance.

Mr. Archuleta preferred the Ordinance be passed in its entirety as written today; however, at a later date amendments to the Ordinance might be made.

Representative Cook noted that the BZAC was looking at a Landscape Ordinance and he would like to eliminate paragraph 2d in its entirety. He then purposed striking the following language from the Ordinance in paragraph 3: "The Mayor must seek the recommendation of the Public Service Board,". Representative Cook moved to approve the Ordinance with the changes he previously mentioned, there was no second.

Representative Sumrall explained that the PSB (Public Service Board) should not be run by politicians. She noted that Mr. Archuleta was more than capable of determining when the City was having an emergency and that it did not need ratifying by the Council but rather the PSB.

Mr. Charlie McNabb, Chief Administrative Officer, made a personal observation and referred to the City Charter stating the Mayor has the power to declare the water emergency. He noted that it would not be power over the PSB per se; but rather power over the citizens in that they could not fill the pools nor water lawns during an emergency. He would agree with Representative Cook in the event that the emergency continued for a long period of time. He stated when the City enacted the Water Conservation Ordinance, the Ordinance stipulated that the Mayor had to seek the recommendation of the PSB.

Representative Medina agreed with Representative Cook's suggestions regarding paragraphs 2b and 3, but not 2d and explained why he was in disagreement.

Representative Power agreed that paragraph 2d should be deleted but would like to keep the language in paragraph 3.

Representative Medina noted that it would take a considerable amount of time before the BZAC comes forward with a Landscape Ordinance.

Representative Sariñana asked Mr. Archuleta whether bermuda grass created pollen.

Mr. Archuleta was not aware of bermuda grass' pollen capabilities; however, the issue today was conserving water. He noted that his department calculated that 169 million gallons a year could be saved by every 2500 new homes built. He stated that fescue uses twice as much water as bermuda and that El Paso was located in the desert.

Mayor Caballero commended Mr. Archuleta for reminding Council Members that water is a very important resource. He stated that due to a grandfathering clause everyone has noticed an increase in their water bills.

Representative Cook proposed a tiered system which would take care of the grandfathered lawns, a suggestion he had made two years ago to Mr. Archuleta. He stated that the distance between the steps should be greater.

Mr. Archuleta explained that the high water user does pay more than the base user. He remarked on the tremendous amount of interest in the turf rebate program.

Representative Cook proposed rebates for individuals who remove fescue and replace with Bermuda.

Mayor Caballero suggested it be a topic for another such rebate program.

Mr. Archuleta responded that the PSB would continue to bring issues and ideas to Council Members and vice versa.

Ms. Lisa Turner, citizen, stated El Paso was located in a desert and that our water was dependent upon several factors. She suggested that above ground sprinklers be banned and replace them with soaker hoses; citizens should cover the pools when not in use; new subdivisions be developed with the use of recycled water in toilets, as well as, in businesses.

Representative Rodriguez had a question for Mr. Archuleta and asked for a list of the experts and their specialties.

Mayor Caballero would provide Representative Rodriguez with such a list.

Mr. Leopoldo Sierra, citizen, asked that terrorist threats regarding the water supply cease and asked that the PSB inspect and maintain the pipes to ensure that the water was not being wasted. He discussed impact fees charged to builders at the taxpayer's expense.

Mr. John Ivey, private developer and member of the BZAC, explained that in February 2001 he was a member of a committee that had made very different recommendations from those of Mr. Archuleta and the City Council, at that time. He stated it was very disturbing to him to see Mr. Archuleta come forward with today's recommendations, as the recommendations were the same draconian movements he would have imposed previously. He noted that members of the committee he was a part of in February of 2001 included Mr. John White, New Mexico State University, Susie Santos of the Building Services Department, Jeffrey Wright, a local architect, Ms. Patricia Adaute, Director of Planning, Horacio Juarez, and others. He mentioned that not one of these named individuals had been contacted to compose a series of recommendations that were before Council Members today. He stated that the recommendations made by the committee were based on science, performance standards, etc. He noted the most disturbing issue was that the same problems exist today as in February 2001. He stated that the present Ordinance did not address water conservation and that the committee had suggested a comprehensive approach. He noted that in the comprehensive approach it was suggested that a ET satellite clock timing system be utilized that would allow Mr. Archuleta the power to shut down water in a water emergency situation, in all landscapes throughout the City, and to have greater control in reserving the water supply. He stated that the committee was investigating a possible 8-12% water savings throughout the City, regarding established landscape, not to affect the new subdivisions. He went on to say the committee had also recommended adjusting minimum water prices, pursuing water harvesting, review of all existing statutes and revising current Ordinances so that conflicts would not be present, and other issues. He explained that the committee had tried to address the issue of water conservation.

Mr. Bernd Leinauer, Ph.D., Assistant Professor, Extension Turf grass Specialist, explained that fescue grasses were a very drought tolerant grass; and Bermuda grass does contribute to allergies. He stated that limiting the list to two types of grasses was a dangerous undertaking due to areas of the city where only fescue grasses would grow. He understood that buffalo and Bermuda grasses might be used in the future and questioned the possibility of other low water use turf grasses. He discussed the current inefficiencies of the current irrigation system and recommended subsurface irrigation. He asked Council Members to not make a hasty decision and look at other possibilities.

Representative Sumrall questioned whether the PSB could establish a "Board of Appeals", composed of individuals trained in technical watering systems and grass types, which would allow individuals an opportunity to discuss/recommend other options.

Mr. Bill Addison, El Paso Group of the Sierra Club and Friends of the Frontero, suggested that El Paso follow the example(s) of other cities such as Tucson regarding water conservation, landscaping, etc. as Tucson has become an example of a "Sustainable City". He explained "Sustainable City" as not allowing the issuance of any more water meters and that Council Members should consider the quality of life for individuals currently residing in El Paso. He concluded by stating that conservation measures must be brought into force and Council Members must eliminate turf and air conditioners need to stop utilizing 70 gallons of water a day.

Mr. Terry Williams, Deputy Director of Building Services, reminded Council Members that the Ordinance today had been heard before the BZAC and was approved by a vote of 17-2 to adopt all of parts 1 and 2. He asked that revisions be made in paragraphs b and c and read the revisions into the record.

Mr. Ruben Reyes, Green Party member and candidate for the Comptroller of Public Accounts position, spoke about "sustainable future" and stated that the City needs to stop landscaping with grasses, investigate what types trees and vegetation support holding water, and ensure that the individuals in control of the water supplies are not politically motivated. He asked that the Ordinance address issues such as restricting development, restricting grass landscaping, etc. and asked Council Members to become more responsible regarding future water needs.

Mr. Steven Moore, President of Organic Technology International, Albuquerque, NM, commented on his company's working with other cities regarding landscaping, water conservation, etc. He stated other alternatives exist rather than rebating turf, etc. which would allow for future conservation and a green city.

Ms. Anai Padilla, Water Conservation Manager – PSB, clarified a misconception regarding the two types of grasses and explained that the Ordinance language allows for turf grass with 40 inches of additional irrigation. She noted the varying types of grasses permitted and stated that research is ongoing in the turf grass industry which will develop a most water efficient grass type.

Mr. David Landess, Gardyar Turf grass, asked Council Members to investigate the satellite clocking system suggestion more intently and noted that people waste water, not plants.

Representative Rodriguez asked Mr. Archuleta for the names of the experts he had requested advice from.

Mr. Archuleta responded that Mr. Ivey's committee was a separate Water Conservation Advisory Committee and named Mr. John White, Texas A&M, Texas A&M Research Center and Extension Service, and other experts and/or water users. He asked Council Members to weigh the information and to make a responsible move toward the future.

Mr. Archuleta stated that the reason for the particular timeframe was that water usage peaks in the morning, noon and then in the evening. He stated that the PSB was trying to even out the water usage during the day.

Representative Cook moved to approve with the following revisions: Paragraph 2B as suggested by Mr. Williams, “change total landscapeable area” to “total area to be landscaped”; Paragraph 2D delete the paragraph but to also ask that the BZAC make a recommendation within 90 days and in the meantime a Legislative Review of the Whole would be held to address water conservation issues and Council Members would give these recommendations to BZAC; and to add the language previously suggested to Paragraph 3; Representative Sariñana seconded.

Motion duly made by Representative Cook, seconded by Representative Sariñana that the Ordinance be adopted, as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

**NAYS:** Council Member Medina **Absent:** None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

## ORDINANCE 15107

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING ISSAIAS MORONES TO USE A PORTION OF VISTA DEL SOL PARK FROM 4:00 PM UNTIL 11:00 PM ON JUNE 8, 2002**

Motion duly made by Representative Sariñana, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

WAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

## ORDINANCE 15108

The City Clerk read an Ordinance entitled: **AN ORDINANCE CREATING THE GREATER EL PASO CIVIC, CONVENTION AND TOURISM ADVISORY BOARD**

Motion duly made by Representative Power, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
Motion made by Representative Escobar, seconded by Representative Sariñana and carried to postpone two (2) weeks an Ordinance relating to bus bench franchises, authorizing the transfer of enforcement duties to the Building Services Department, imposing penalties for violations, establishing fees and resolution procedures and related issues.

Representative Escobar stated he had received a request to postpone the item. He stated that he was on the Mass Transit Board and the issue would need further research.

Mr. Joel Oliva, Southwest Bench, requested to speak on the topic.

Representative Cobos stated he was the Chairman of the Legislative Review Committee for Sun Metro and that the Board had not received financial audit information which was previously requested. He asked Mr. Bill Chapman, Chief Financial Officer, if he had received any financial audit information.

Ms. Rita Rodriguez, City Attorney, stated that the motion to postpone had been seconded and asked that the vote be taken at this time.

The postponement vote results are as follows:

Representatives Sumrall, Rodriguez and Power voted Nay.  
Representatives Medina, Cook, Escobar, Sariñana and Cobos voted Aye.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to reconsider the postponement motion.

Mr. Oliva explained that he had come to Council on six occasions, accompanied by his attorneys, and stated that he had not been granted an opportunity to speak.

Ms. Rodriguez reiterated that the item had been postponed and further discussion should cease. She asked Council Members to reconsider the item to allow Mr. Oliva to speak on the issue.

Motion made by Representative Cook, seconded by Representative Medina to reconsider an Ordinance relating to bus bench franchises, authorizing the transfer of enforcement duties to the Building Services Department, imposing penalties for violations, establishing fees and resolution procedures and related issues.

The reconsideration vote results are as follows:

Representatives Sumrall, Escobar, Sariñana and Cobos voted Nay.  
Representatives Rodriguez, Medina, Cook and Power voted Aye.  
Mayor Raymond C. Caballero broke the tie and voted Nay.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the Conditional "B" building permits for Tierra Del Este Unit Three based on economic hardship.

Mr. Terry Williams, Deputy Director of Building Services, explained that the Conditional "B" request was from the developer and stated that the developer had completed the improvements; however, the City was in the process of completing the request to accept for maintenance, he recommended to approve the request.

Mr. Omar Soueidan, Civil Engineer Associate II – Building Services Department, was present to answer questions.

Mr. Conrad Conde, representing the developer/owner, stated that due to economic hardship the builder has not been able to continue. He stated that developer's name as "Ranchos Real V".

Motion made by Representative Escobar, seconded by Representative Sariñana and carried to move to the beginning of the agenda the following:

The vote was as follows:

Representatives Sumrall, Rodriguez, Medina and Escobar voted Aye.

Representatives Cook, Power, Sariñana and Cobos voted Nay.

Mayor Raymond C. Caballero broke the tie and voted Aye.

### RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Settlement Contract with the County of El Paso allowing the County to waive participation in Tax Increment Financing Districts 2 and 3.

Mr. Norman Gordon, attorney, explained that earlier in the year, Council Members approved a contract which would allow other taxing entities the opportunity not to be a part of the TIFs. He stated the County asked that additional language be added to the Resolution, the language is as follows: "The City of El Paso agrees not to oppose efforts to introduce and pass legislation to delete Texas Tax Code Sec. 311.013(h), and further agrees to re-execute this contract if such legislation is passed". Mr. Gordon explained subsection "(h)" states the requirements to negotiate with other taxing entities does not exist for cities bordering Mexico with a population of over 250,000. He noted that the County would not participate in the TIFs.

Representative Sumrall questioned why the additional language was necessary.

Mr. Gordon explained that the language essentially states that the County would cooperate with the City, although they do not want to participate in this district; however, they will cooperate in other districts. He stated that this would place the City in the position where, if the City did create another district, the City would not have the provision/statute available, should legislation change.

Representative Cobos stated that it was important for the City to show good faith and good will toward the County and continue to keep an open/good working relationship with them.



Mayor Raymond C. Caballero explained that El Paso County was the only county in Texas that does not have that right; however, the County may become a part of the TIFs in the future.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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\*Motion made, seconded and unanimously carried to delete the discussion and action on supporting the BHI and Children's Hospital by the Bolaño Brothers Foundation. (Erasmus Andrade)  
.....

Motion made by Representative Escobar, seconded by Representative Sariñana and carried to move to the beginning of the agenda to speak in support of the Border Health Institute. (Edward Moreno)

The vote was as follows:  
Representatives Sumrall, Rodriguez, Medina and Escobar voted Aye.  
Representatives Cook, Power, Sariñana and Cobos voted Nay.  
Mayor Raymond C. Caballero broke the tie and voted Aye.

Discussion was held with the TIF Ordinances. No action was taken regarding speaking in support of the Border Health Institute. (Edward Moreno)

.....  
Motion made by Representative Escobar, seconded by Representative Sariñana and carried to move to the beginning of the agenda the discussion and action to kill Ordinance No. 14996 TIF #2 and Ordinance No. 14999 TIF #3 ensuring that they no longer exist. (Vivian Rojas)

The vote was as follows:  
Representatives Sumrall, Rodriguez, Medina and Escobar voted Aye.  
Representatives Cook, Power, Sariñana and Cobos voted Nay.  
Mayor Raymond C. Caballero broke the tie and voted Aye.

Discussion was held with the TIF Ordinances.  
No action was taken regarding the discussion and action to kill Ordinance No. 14996 TIF #2 and Ordinance No. 14999 TIF #3 ensuring that they no longer exist. (Vivian Rojas)

.....  
Motion made by Representative Escobar, seconded by Representative Medina and unanimously carried to delete the discussion and action on waiver of all fees, including site assessment fees by the Fire Marshall and licenses, permits, etc., by Building Services, in conjunction with the use of two (2) 30' x 30' canopies at the June 8<sup>th</sup>, 2002, dedication of the Sun Metro Five Points Transit Terminal to the memory of Robert E. McKee. (Jim Erickson for Five Points Development)

Mr. Terry Lee Scott, Director of Mass Transit, stated Sun Metro would co-sponsor the event.

Mr. Charlie McNabb, Chief Administrative Officer, stated that Sun Metro's monetary contribution would be the \$60.00 fees.

Representative Medina questioned whether the City would assume liability.

Ms. Rita Rodriguez, City Attorney, advised that the City would enter into an contract whereas liability and insurance requirements would be discussed. She stated that the item could be deleted and the item would appear on next week's Council Agenda with the agreement attached.

No action was taken regarding the suggestion that the City Hall parking lot be used on Saturday and Sunday free of charge by tax paying citizens. This will bring business to the downtown area. (Leopoldo E. Sierra)

Mr. Leopoldo Sierra, citizen, asked if the downtown merchants might utilize the parking area, free of charge, on the weekends. He stated that under no circumstances would the City be held liable for any items stolen, etc.

Ms. Rita Rodriguez, City Attorney, advised that the contract with SMG provided that SMG has control for overflow parking and that the City would not be able to accommodate Mr. Sierra's request. She explained that the lease was effective evenings after 5:00 p.m. and weekends.

Representative Cobos questioned when the contract would be up for renewal.

Ms. Rodriguez did not have that information readily available.

Representative Cobos stated that the appropriate time to speak on the matter would be during contract negotiations.

Mr. Charlie McNabb, Chief Administrative Officer, stated that the parking lot issue would need to be discussed during budget hearings as the parking lot generated revenue for the Civic Center.

.....  
Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting Hermosa Church to use a portion of Borderland Park from 5:00 PM until 10:00 PM on June 15, 2002, for a youth outreach
- B. An Ordinance granting a Special Privilege to KTSM-News Channel 9 to temporarily close a portion of San Francisco Avenue between Durango Street and the Sun Metro parking lot; and Durango Street (north and south bound access roads) between San Francisco Avenue and San Antonio Avenue from 6:00 a.m. on Wednesday, June 12, 2002 to 12:00 noon on Monday, June 17, 2002 for the Taste of the Town Street Festival. (SP-02013)
- C. An Ordinance granting a Special Privilege permitting Sonia E. Cobos to encroach onto a portion of public right-of-way with a food-vending concession in the Downtown Area. (SP-02002)
- D. An Ordinance amending Ordinance No. 15002, nominating an area as the Northeast El Paso Enterprise Zone pursuant to the Texas Enterprise Zone Act (Texas Government Code, Chapter 2303); providing tax incentives; designating an authorized representative to act in all matters pertaining to the nomination and designation of the area described herein as an Enterprise Zone; and further designating a liaison to act on all matters pertaining to the Enterprise Zone once designated by the Texas Department of Economic Development.

**PUBLIC HEARING TO BE HELD ON JUNE 11, 2002 FOR ITEMS A - D**

- E. An Ordinance changing the zoning of Lot 8, Block 2, SAHARA SUBDIVISION, El Paso, El Paso County, Texas (9900 Block of Dyer Street) from R-4 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/ Representative: Gregory Morgan, 4601 Loma Grande, El Paso, TX 79934 ZC-02010

- F. An Ordinance changing the zoning of Tracts 17C-107 and 17C-108, Section 8, Block 79, Township 3, T & PRR COMPANY SURVEYS, El Paso, El Paso County, Texas (North of Vista Del Sol Drive and East of Joe Battle Blvd.) from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: EP Rhino-II, LP/ Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936 ZC-02013
- G. An Ordinance changing the zoning of Tracts 22A and 22D, Block 54, YSLETA GRANT and Lot 4, Block 2, VJM INDUSTRIAL PARK, El Paso, El Paso County, Texas (South of Castner Street between Kessler and Diesel Drive) from P-I (Planned Industrial) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Transport International Pool / Representative: Mesa & Associates, Inc., 718 Myrtle Ave., El Paso, TX 79901 ZC-02014
- H. An Ordinance Granting Special Permit No. SU-02005, to allow for a church on a site of less than three acres on Lots 1-10, Block 9, COTTON ADDITION, El Paso, El Paso County, Texas (2111 Wyoming) pursuant to Section 20.42.040.A. (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-4 (Commercial) Applicant: EP Marcus Investments, LP/Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936
- I. An Ordinance Granting Special Permit No. SU-02004 to allow for a parking reduction on the property described as Lots 1 - 10, Block 9, COTTON ADDITION, El Paso, El Paso County, Texas (2111 Wyoming), pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-4 (Commercial) Applicant: EP Marcus Investments, LP/Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936
- J. An Ordinance Granting Special Permit No. SU-02003, to allow for neighborhood commercial uses on a portion of Lot 1, Block 101, CAMPBELL, El Paso, El Paso County, Texas (621 South Oregon, Unit 2) pursuant to Section 20.61.060.K (Zoning) of the El Paso Municipal Code. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZONE: SRR (Special Residential Revitalization) Applicant/Representative: David Egre, 621 South Oregon, Unit 2, El Paso, TX 79901

**PUBLIC HEARING WILL BE HELD ON JUNE 18, 2002 FOR ITEMS E - J**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Sariñana was not present for the vote.

**ADDITION TO THE AGENDA**

**\*RESOLUTION**

WHEREAS, certain lands in El Paso County are assigned water rights under the Rio Grande Federal Reclamation Project and the owners thereof may assign said rights; and,

WHEREAS, the City of El Paso desires to acquire water rights for the benefits of the citizens of El Paso, Texas; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10202, 10364, 10372, 10373, 10374, 10375, 10376, 10377, 10378, 10379, 10380, 10381, 10382, 10383, 10384, 10385, 10386, 10387, 10388, 10389, 10390, 10391, 10392, 10393, 10402, 10404, 10406, 10407, 10408, 10409, 10410, 10411, 10412, 10413, 10414, 10415, 10416, 10417, 10418, 10419, 10420, 10421, 10422, 10423, 10424 and 10425 for irrigation water acres, in El Paso County, Texas.

**\*RESOLUTION**

WHEREAS, certain lands in El Paso County are assigned water rights under the Rio Grande Federal Reclamation Project and the owners thereof may assign said rights; and,

WHEREAS, the City of El Paso desires to acquire water rights for the benefits of the citizens of El Paso, Texas; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10266, 10347, 10348, 10349, 10350, 10351, 10352, 10353, 10354, 10355, 10356, 10357, 10358, 10359, 10360, 10361, 10362, 10363, 10365, 10366, 10367, 10368, 10369, 10370 and 10371 for irrigation water acres, in El Paso County, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign grant applications on behalf of the City of El Paso as requested by the El Paso Empowerment Zone Corporation for the following projects: (1) Plaza Theater Emergency Repairs; and (2) Heart of El Paso, Downtown Redevelopment, and that the Grants Department be authorized to submit the applications and all other documentation requested.

**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INSTRUMENT GRANTING AN OVERHEAD ELECTRICAL EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO A WELL SITE LOCATED OFF MCCOMBS NEAR STAN ROBERTS SR. ROAD IN NORTHEAST EL PASO. SAID PROPERTY MORE PARTICULARLY DESCRIBED AS A PORTION OF SECTION 13, BLOCK 81, TOWNSHIP 1, EL PASO COUNTY, TEXAS.**

**WHEREAS**, May 8, 2002, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an overhead electrical easement to the El Paso Electric Company for the purpose of providing electrical service to a well site located in a portion of Section 13, Block 81, Township 1, El Paso County, Texas, on property located off McCombs near Stan Roberts Sr. Road in northeast El Paso, and

**WHEREAS**, the City Council finds it to be in the public interest that this easement be granted.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign a document granting an overhead electrical easement to the El Paso Electric Company for the purpose of providing electrical service to a well site located off McCombs near Stan Roberts Sr. road in Northeast El Paso. Said property being more particularly described as a portion of Section 13, Block 81, Township 1, El Paso County, Texas.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **HECTOR LOPEZ** as an Economic Program Analyst I, for the Community Development Department at a biweekly rate of \$1,346.15, for 40 hours per week. The term of the contract shall be for the period of June 10, 2002 through June 9, 2003.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and the following individuals at a rate of \$20.00 per hour in conjunction with the Museum of Art Summer Art Camp:

**MARIE LIVINGSTON**, Camp Instructor, Adult Papermaking and Ceramics Instructor, from June 4-7, 11-14, 18-21, 25-28, 2002 and July 9-12, 16-19, 23-26, 2002, not to exceed 24 hours per week.

**MARY GARIBAY**, Camp Instructor and Adult Drawing Instructor, from June 11-14, 2002 and July 16-19, 2002, not to exceed 24 hours per week.

**ADA PRIVRATSKY**, Camp Instructor, from June 11-14, 2002, not to exceed 24 hours per week

**FRANK RIMBACH**, Camp Instructor and Adult Painting Instructor, from June 4-7, 18-21, 2002, and July 16-19, 2002, not to exceed 24 hours per week.

**WENDI BURTZ**, Camp Instructor and Studio Class Instructor, from June 9, 18-21, 22, 25-28, 2002 and July 13, 21, 2002, not to exceed 27 hours per week.

**JOHN ARMBRUSTER**, Camp Instructor, from June 24-28, 2002 and July 23-26, 2002, not to exceed 24 hours per week.

**JEBBY MORALES**, Camp Instructor and Adult Pastel Instructor, from July 9-12, 2002 and July 23-26, 2002, not to exceed 24 hours per week.

**SHANE EGGERSTEDT**, Camp Instructor, from June 4-7, 2002 and July 9-12, 2002, not to exceed 24 hours per week.

**OWEEN RATH**, Adult Watercolor Instructor, from June 18-21, 2002, not to exceed 12 hours per week.

**MICHAEL THORNTON**, Kids Art Class Instructor, from June 8, 15, 22, 29, 2002 and July 13, 20, 27, 2002 and June 7, 14, 21, 28, 2002, not to exceed 5 hours per week.

**NICOLE ANTEBI**, Adult Art Class Instructor and Portfolio Prep, from June 8, 15, 22, 29, 2002 and July 13, 20, 27, 2002, and July 16-19, 2002, not to exceed 27 hours per week.

**HANNA TUOMINEN**, Studio Class Instructor, from July 5, 12, 19, 26, 2002, not to exceed 2 hours per week.

**ADRIAN ESPARZA**, Adult Drawing Instructor, from June 6, 13, 20, 27, 2002 and July 11, 18, 25, 2002 not to exceed 1 hour per week.

**JAMIE HUNT**, Studio Class Instructor, from August 2, 9, 16, 23 and 30, 2002, not to exceed 2 hours per week.

.....  
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the Resolution of City Council to direct staff to explore the feasibility of retiring and reissuing all PSB bonds. (Representative Cook) This was revised to remove the language "in order to facilitate changing the structure of the managing body of the PSB."

Representative Cook explained that a suggestion was made by Representative Medina to allow each Council Member to appoint a representative to the Public Service Board and in order to do that the City would need to retire the existing bonds.

Ms. Rita Rodriguez, City Attorney, advised that State law dictates five members, otherwise a Legislative change would need to be made. She stated that the only change Council could make was the City could take over the authority or add the change to the Public Service Board.

Representative Cook asked that the item be looked into feasibly.

Mr. Charlie McNabb, Chief Administrative Officer, explained he had misunderstood Representative Cook's request and thought Representative Cook wanted to abolish the PSB and that City Council would operate the PSB; however, the agenda item states restructuring the board to expand the number of members. He explained the technicalities requiring the structuring of and number of members for a separate board.

Representative Sariñana asked whether the State statute stated the number of board members was set at five, not seven.

Ms. Rita Rodriguez, City Attorney, responded five and that Representative Sariñana might be referring to a task force regarding property or assets, that number was set at seven.

Representative Sumrall reiterated that Representative Cook was requesting information regarding the feasibility of retiring and reissuing PSB bonds of which Council would need the cost estimates before rendering a decision. She questioned how would this action affect the repayment of those bonds if the bonds were under the City rather than the PSB.

Mr. McNabb clarified that the City issues the bonds but the bonds have covenants. He explained that the item on the agenda was requesting information as to how much it would cost to refund the bonds in order to allow for a bigger board; however, this request could not be done. He stated that he could provide information as to how much it would cost to refund the bonds to abolish the PSB; however, the board member number could not be increased more than five.

Mr. Bill Chapman, Chief Financial Officer, stated it would take approximately two to three weeks to compile the requested information.

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No action was taken regarding the discussion on downtown sidewalk vending as requested by Representatives Power, Sariñana and Cobos.

Representative Cobos explained that there may be TXDOT right-of-way circumstances that needs addressing.

Mr. Michael E. Breiting, Executive Director El Paso Central Business Association/El Paso Downtown Management District, spoke about downtown merchants utilizing TXDOT right-of-ways for open air/table sales by merchants. He stated that many of the businesses employ individuals just to monitor the outdoor tables and that many businesses and individuals would be hurt economically due of the right-of-way issue.

Mr. Charlie McNabb, Chief Administrative Officer, explained that TXDOT would enforce their authority to prevent the City from issuing special privileges. He explained that the City could no longer issue sign permits, install bus benches and/or trashcans, etc., on TXDOT right-of-ways.

Mr. Breiting asked Council Members to take a proactive stance and assist the downtown merchants in protecting the downtown economy and individuals jobs.

Representative Cook questioned if the City could no longer grant special privilege then would it not be the responsibility of TXDOT to enforce.

Ms. Rita Rodriguez, City Attorney, explained that the contract states TXDOT would direct the City to remove all encroachments on the right-of-way.

Representative Cook stated no, that advertisements would be removed and that TXDOT did not have a problem with the bus benches but with the signage on the benches.

Ms. Rodriguez clarified that it was not only the advertisement but the selling of merchandise on their encroachments that TXDOT objected to.

Representative Cobos requested written information from TXDOT regarding selling of merchandise on TXDOT right-of-ways.

.....  
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- |                 |  |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY               |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY     |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS                        |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES  |

In RE: TWCC Action #84529

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....  
Motion made by Representative Escobar, seconded by Representative Sariñana and carried that in the matter entitled In re TWCC Action #84529, the Third Party Administrator is authorized to sign a settlement agreement on behalf of the City.

Representatives Sumrall, Rodriguez, Medina and Cobos were not present for the vote.

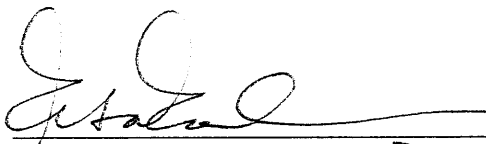
.....  
Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to adjourn this meeting at 2:00 p.m.  
.....

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Rita Rodriguez, City Attorney